

Appl. No. : 10/758,952  
Filed : January 16, 2004

### **REMARKS**

The December 21, 2006 Final Office Action was based upon pending Claims 23-29 and 31-37. This Response amends Claims 23, 31 and 37 and adds new Claims 38-40 as indicated above. Thus, after entry of this Amendment, Claims 23-29 and 31-40 are pending and presented for further consideration.

#### **Claim Rejections**

The Examiner provisionally rejected Claims 23-25 and 27-29 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 9-14 of Applicant's co-pending U.S. Patent Application No. 10/760,126 in view of U.S. Patent No. 5,978,236 issued to Faberman, et al. ("the Faberman patent").

The Examiner rejected Claims 23-29, 31, 32 and 34-37 under 35 U.S.C. § 103(a) as being unpatentable over the Faberman patent in view of U.S. Patent No. 5,621,299 issued to Krall ("the Krall patent").

In addition, the Examiner rejected Claim 33 under 35 U.S.C. § 103(a) as being unpatentable over the Faberman patent and the Krall patent, and further in view of U.S. Patent No. 6,170,062 issued to Henrie ("the Henrie patent").

#### **Provisional Double Patenting Rejection of Claims 23-25 and 27-29**

Applicant acknowledges the provisional double patenting rejection; however, since no claims in the co-pending application have been allowed, a terminal disclaimer is not yet appropriate. Applicant will submit a terminal disclaimer when the identified claims have been allowed in both applications if the claims have not otherwise been amended to overcome the double patenting rejection.

#### **Rejection of Claims 23-29 and 31-37 under 35 U.S.C. § 103(a)**

The Examiner rejected Claims 23-29, 31, 32 and 34-37 under 35 U.S.C. § 103(a) as being unpatentable over the Faberman patent in view of the Krall patent. The Examiner also rejected Claim 33 under 35 U.S.C. § 103(a) as being unpatentable over the Faberman patent and the Krall patent, and further in view of the Henrie patent.

Independent Claim 23

Applicant respectfully submits that the amended Claim 23 is patentably distinguished over the Faberman patent and the Krall patent. In particular, the Faberman patent and the Krall patent do not teach linearly regulating a bi-directional transistor with a linearly adjustable voltage at a control terminal of the bi-directional transistor such that the level of current provided to an internal battery during a charging mode or current supplied by the internal battery during a discharging mode varies with the level of the linearly adjustable voltage.

As discussed in the interview, the Faberman patent describes switching techniques for controlling current to a battery and current levels to the battery are determined by durations that a switch is on. Referring to Figure 1, the Krall patent describes an on/off switch 15 for connecting to batteries 11, 13. The on/off switch 15 is controlled by an actuator that also controls other switches 14, 16. The on/off switch 15 does not regulate (or have control over) current levels for the batteries 11, 13.

Accordingly, Applicant asserts that Claim 23 is not obvious in view of the Faberman patent and the Krall patent. Applicant therefore respectfully submits that Claim 23 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 23.

Dependent Claims 24-29

Claims 24-29, which depend from Claim 23, are believed to be patentable for the same reasons articulated above with respect to Claim 23, and because of the additional features recited therein.

Independent Claim 31

Although Claim 31 has different language than Claim 23, Claim 31 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Dependent Claims 32-37

Claims 32-37, which depend from Claim 31, are believed to be patentable for the same reasons articulated above with respect to Claim 31, and because of the additional features recited therein.

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**New Claims 38-40**

New Claims 38-40 have been added to more fully define the Applicant's invention and are believed to be fully distinguished over the prior art of record.

**Conclusion**

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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AMEND

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